

Resolution Agreement
Complaint No. 09-22-1473
La Mesa-Spring Valley School District

La Mesa-Spring Valley School District (the District) agrees to take the actions in this Resolution Agreement (Agreement) to resolve the concerns and findings of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the District pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

I. TITLE IX POLICIES AND GRIEVANCE PROCEDURES

- A. The District will reference Board Policy 0410 (Nondiscrimination in District Programs and Activities Policy) in its Board Policy/Administrative Regulation (BP/AR) 5145.71 regarding definitions of sex-based harassment, and will make additional revisions to AR 5145.71 to include reasonably prompt timeframes for the conclusion of the grievance process; the range of possible disciplinary sanctions or remedies; and the standard of evidence used.
- B. Reporting Requirement:
 - 1. By December 1, 2023, the District will provide a draft of its revised grievance procedures for complaints of sex-based harassment to OCR for its review and approval.
 - 2. Within 30 days of receiving OCR's approval, the District will publish the revised grievance procedure and provide OCR with notice that it has done so.

II. TRAINING AND GUIDANCE MEMO

- A. The District will facilitate training for, and issue a written guidance memorandum to, its Title IX Coordinator(s) and other employees whose duties include responding to complaints of sex-based harassment, including harassment based on sex stereotyping. The training and guidance memo will address the following information:
 - 1. The District's responsibilities under Title IX and its prohibition of discrimination based upon sex, including harassment based on sex-stereotyping; and
 - 2. The Title IX regulation's definitions of "sexual harassment" and "actual notice" of sexual harassment and allegations thereof, and the employee's obligation to report sexual harassment and allegations thereof to the District's Title IX Coordinator(s);
 - 3. The Title IX regulation's requirement that when a district employee has actual notice of sexual harassment or allegations thereof, the Title IX coordinator, or

their designee, must explain to complainants the process for filing a formal complaint of sexual harassment under Title IX.

4. The District's policies and procedures for responding to complaints of sex-based discrimination, including harassment based on sex stereotyping.
5. The guidance memorandum and training will include specific examples of discrimination, including harassment, based upon sex stereotypes.

B. Reporting Requirement:

1. By February 1, 2024, the District will submit for OCR's review and approval a draft of the guidance memo and training materials, and the job title(s) and name(s) of the proposed trainers as described in Section II.A of the Agreement. The District will finalize and issue the guidance memorandum and provide the training required in Section II.A of the Agreement within 30 days of OCR's approval.
2. Within 14 days of providing the training required in Section I.A of the Agreement, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing that all employees who were required to do so attended the training, a list of the required employees who did not attend, and a plan for providing the training to those employees who did not attend.

III. INDIVIDUAL REMEDY

- A. By November 1, 2023, the District's Title IX Coordinator will provide Complainant a formal complaint form. Should the Complainant wish to file a formal complaint of sexual harassment arising from the [redacted content] 2022 incident that formed the basis of the OCR complaint, the Complainant will submit the formal complaint within two weeks, in which case the District will proceed with an investigation. The District will inform OCR of the provision of the complaint form and whether the Complainant files a formal complaint under Title IX within two weeks of provision of the form. If the Complainant chooses to make a formal complaint, the District will investigate it in accordance with the Title IX regulations and the District's Title IX grievance procedures, including providing the Complaint with written notice of the District's determination about the complaint.

B. Reporting Requirement:

The District agrees to provide OCR with a copy of the written determination within 10 days of providing it to the Complainant.

IV. MONITORING

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of the Resolution Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is compliance with the terms of the Agreement and with Title IX and its implementing regulation, 34 C.F.R. Part 106, which were at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and Title IX and its implementing regulation, 34 C.F.R. Part 106. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

_____/s/_____
Deann Ragsdale
Deputy Superintendent

_____09/29/2023_____
Date